

27.01.2025

Sl. No.: 32

Court No.30

BM

C.O. 4046 of 2024

**Bengal Ambuja Housing Development Co.
Ltd.**

Vs.

Banku Behari Manna & Ors.

Mr. Debjit Mukherjee

Mr. Sourav Ghosh

Ms. Snehashis Sen

... for the petitioner

1. The present revisional application has been preferred praying for direction upon the plaintiff/opposite party no.1 herein to take steps for causing service on the added defendant i.e. opposite party nos.3 & 4 and further directing the learned Civil Judge (Senior Division), 3rd Court at Howrah for expeditious disposal of the Title Suit No.264 of 2011 and by passing final decree upon disposal of the pending applications in a time bound manner without granting any adjournment to any party.

2. Considering the nature of relief prayed for service is dispensed with.

3. Considering submission of the learned counsel for the petitioner/defendant no.1 herein, it appears that the suit before the trial court was initiated in the year 2011. The said suit for partition was decreed in preliminary form.

4. A Partition Commissioner was appointed during which it was detected that the defendant nos.3 & 4 before the trial court also have a share in the suit property. An application under Order 1 Rule 10(2) of the CPC was filed for addition of party. The said application was allowed by the trial judge on 26.06.2018 and since then the said suit which had already been decreed in preliminary form did not progress. First attempt to serve summons upon the added defendant being nos.3 & 4 was returned unserved and fresh requisites were directed to be put in.

5. Considering the said fact, the present revisional application is disposed of with the direction that the plaintiff will put in requisites in the suit before the trial court **within 10 days** from the date of this order, in case it has not already been put in, in respect of the defendant nos.3 and 4 and the trial court shall immediately issue the said summons upon the defendant nos.3 & 4.

6. On receiving the service return, the trial court shall proceed in accordance with law and make all endeavour to dispose of the said issue, on hearing the concerned parties preferably within a period of three months from the date of this order.

7. The trial court shall also pass necessary direction upon the Partition Commissioner appointed,

to also complete his work within a specified time in order to enable the trial court to dispose of the suit finally, as per the direction of this court in the present order.

8. Liberty is granted to the learned counsel for the petitioner to communicate the order upon all the parties concerned.

9. The revisional application being C.O. 4046 of 2024 stands disposed of.

10. Connected applications, if any, also stand disposed of.

11. Parties may act on the basis of service copy of this order.

12. Urgent Xerox certified copies of this order, if applied for, shall be supplied to the learned counsel for the parties as expeditiously as possible, in compliance of usual formalities.

(Shampa Dutt (Paul), J.)